IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE C.N.RAMACHANDRAN NAIR

TUESDAY, THE 11TH DECEMBER 2007 / 20TH AGRAHAYANA 1929

OP.No. 10791 of 2003(I)

PETITIONER:

ANNAMMA GEORGEKUTTY, AGED 52 YEARS,
W/O.GEORGEKUTTY, VADAKKEDATH HOUSE,
VETTIKAVALA P.O., KOTTARAKKARA, KOLLAM.

BY ADV. SRI.T.M.ABDUL LATHEEF

RESPONDENTS:
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1. KERALA MOTOR TRANSPORT WORKERS
WELFARE FUND BOARD, REPRESENTED BY
ITS EXECUTIVE OFFICER, KOLLAM.

2. THE EXECUTIVE OFFICER,
MOTOR WORKERS WELFARE FUND BOARD,
ANADAVALLEESWARAM, KOLLAM.

3. DEPUTY COLLECTOR,
REVENUE RECOVERY, KOTTARAKKARA.

4. THASILDAR, KOTTARAKKARA.

5. VILLAGE OFFICER, MELILA VILLAGE.

6. S.RAMANI AMMA, PUTHIYA VEETTIL,
THALAVOOR VADAKODU, PATHANAPURAM.

7. LATHAKUMARI, W/O.K.P.VIJAYA KUMAR,
KOTTAKKAKATHU PUTHEN VEETTIL,
PUTHOOR, KOTTARAKKARA.

BY ADV. SRI.P.RAMAKRISHNAN, SC,KMTWF BOARD
GOVERNMENT PLEADER

THIS ORIGINAL PETITION HAVING BEEN FINALLY HEARD ON 11/12/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

O.P.NO. 10791/2003

ORDER ON CMP NO.18818/2003 IN O.P.NO. 10791/2003

DISMISSED.

11/12/2007. SD//-(C.N.RAMACHANDRAN NAIR, JUDGE)

APPENDIX

PETITIONER'S EXHIBITS

P1 : COPY OF THE PERMIT NO.P.ST.C3/18/97/Q DATED 01/01/98 ISSUED BY THE SECRETARY, R.T.O.KOLLAM.

P2 : COPY OF THE AGREEMENT DATED 25/07/1998.

P3 : COPY OF NOTICE NO.B3-S/C.2343/98 DATED 09/12/1998 ISSUED TO THE PETITIONER BY THE FIRST RESPONDENT.

P4 : COPY OF THE AGREEMENT DATED 26/11/1996.

P5 : COPY OF THE LETTER DATED 14/07/1997 ISSUED BY THE PETITIONER TO THE REGIONAL TRANSPORT OFFICER, KOLLAM.

P6 : COPY OF THE LETTER DATED 08/07/1997 SUBMITTED BY THE PETITIONER BEFORE THE REGIONAL TRANSPORT OFFICER, KOLLAM.

P7 : COPY OF THE NOTICE NO.EQ-621/97-99/B3 DATED 23/12/1999 ISSUED TO THE PETITIONER BY THE FIRST RESPONDENT.

P8 : COPY OF THE PROVISIONAL DETERMINATION ORDER NO.EQ-621/97-99/B3 DATED 20/03/2000 ALONG with THE STATEMENT ISSUED BY THE FIRST RESPONDENT.

P9 : COPY OF THE LETTER DATED 02/05/1998 SUBMITTED BY THE PETITIONER BEFORE THE 2ND RESPONDENT.

P10 : COPY OF THE PETITION SUBMITTED BY THE PETITIONER BEFORE THE 2ND RESPONDENT.

P11 : COPY OF THE REPORT NO.C3/14136/99/Q DATED 25/11/1999 OF THE MOTOR VEHICLE INSPECTOR, KOTTARAKKARA.

P12 : COPY OF THE NOTICE NO.EQ-621/97-99/B3 DATED 12/01/2000 ISSUED TO THE PETITIONER BY THE FIRST RESPONDENT.

P13 : COPY OF THE NOTICE NO.D3-10179/2000 DATED NIL ISSUED BY 4TH RESPONDENT TO THE PETITIONER.

P14 : COPY OF THE NOTICE NO.D3-8279/99 DATED 30/07/1999 ISSUED BY 4TH RESPONDENT TO THE PETITIONER.

P15 : COPY OF THE ORDER IN I.A.NO.124/2001 IN OS NO.25/2001 IN THE COURT OF THE MUNSIFF, KOTTARAKKARA DATED 16/03/2001.

P16 : COPY OF THE PETITION SUBMITTED BY THE PETITIONER BEFORE THE 3RD RESPONDENT. // TRUE COPY //

PA TO JUDGE.

jg

C.N.RAMACHANDRAN NAIR, J.

O.P. No. 10791 of 2003

Dated, this the 11th day of December, 2007

J U D G M E N T

Heard learned counsel for petitioner and learned standing counsel for Motor Transport Workers Welfare Fund Board.

2. Demand under challenge is motor transport workers welfare fund contribution for one stage carriage each for the years 1996-97 and 1997-98. Petitioner's contention that she has sold the vehicles is seen accepted by the respondents and demand for each vehicle is limited up to the date of sale of the vehicles. The demand made for one stage carriage is for four workers and for another is for three workers. Since stage carriage cannot be operated with less than 3 to 4 workers and since petitioner's contention on sale is accepted in adjudication, there is no scope for further interference with recovery. This original petition is devoid of any merit and is, therefore, dismissed.

(C.N.RAMACHANDRAN NAIR, JUDGE.)

jg